

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:19-cr-157-TWP-MJD
)
 VICKI CROSBY,) - 04
)
 Defendant.)

REPORT AND RECOMMENDATION

On November 15, 2021, and February 15, 2022, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 26, 2021. Defendant appeared in person with her appointed counsel Michael Donahoe. The government appeared by Lawrence Hilton, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Travis Buehrer.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Crosby of her rights and ensured she had a copy of the Petition. Defendant Crosby orally waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Crosby admitted violation numbers 1, 2, 3, and 4 as set forth in the Petition. [Docket No. 195.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“You must not commit another federal, state, or local crime.”**
- On October 7, 2021, Vicki Crosby was arrested and charged with felony counts of Possession of Methamphetamine, Unlawful Possession of a Legend Drug and a misdemeanor count of Possession of Paraphernalia following a search of her home conducted by the Rush County, Indiana, Probation Office. Ms. Crosby was arrested by the Rush County Sheriff's Department and placed in custody at the Rush County Jail where she remains.
- 2 **“You must not commit another federal, state, or local crime.”**
- On May 5, 2021, Vicki Crosby was arrested and charged with felony counts of Possession of Methamphetamine, Possession of a Narcotic Drug, Possession of a Syringe, and misdemeanor counts of Possession of a Controlled Substance, Possession of Marijuana and Possession of Paraphernalia in Rush County, Indiana, under cause 70D01-2105-F6-000251. On September 22, 2021, she was convicted of Possession of Methamphetamine and all other counts were dismissed. She was sentenced to two years suspended and placed under the supervision of the Rush County Probation Office.
- 3 **“You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity.”**
- On May 5, 2021, the Rushville Police Department went to Vicki Crosby's residence as it was reported that a wanted person by the name of Devin A. Carter was located there. Upon entering the residence, the officers located Mr. Carter in Ms. Crosby's upstairs bedroom hiding.
- 4 **“The defendant shall pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.”**
- Mrs. Crosby was ordered to pay restitution in the amount of \$500.00 and a special assessment of \$100.00 at a rate of not less than 10% of gross monthly income. Mrs. Crosby has failed to remit a payment since February 2021, placing her account six (7) months in arrears.

4. The Court finds that:
 - (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is I.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.

5. Due to Defendant's significant improvement during the period since the violations occurred, the parties jointly recommended no revocation on the admitted violations. The parties recommended that the defendant continue on her current conditions of supervised release.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in the Petition, and recommends that no further action be taken and that Defendant continue on her current conditions of supervised release. The Defendant is released on her current conditions of supervised release pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 16 FEB 2022



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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